

AGENCY OF NATURAL RESOURCES
Department of Environmental Conservation

Vermont Brownfields Program

What is a brownfield?

“Real property, the expansion, redevelopment, or reuse of which may be complicated by the **presence** or **potential presence** of a hazardous substance, pollutant, or contaminant” - US EPA

Identifying Brownfields

The obvious...

- Former industrial properties
- Manufacturing facilities
- Gas Stations



Identifying Brownfields

The not so obvious...

- Downtown office space
- Vacant Land



How to approach ANY commercial/industrial property



- Understand liability and due diligence
- Early communication with VT DEC, Regional Planning Commission, and other stakeholders
- Understand the assessment and cleanup process
- Learn more about potential funding

Why is Brownfield Redevelopment Important?

Environmental Benefits

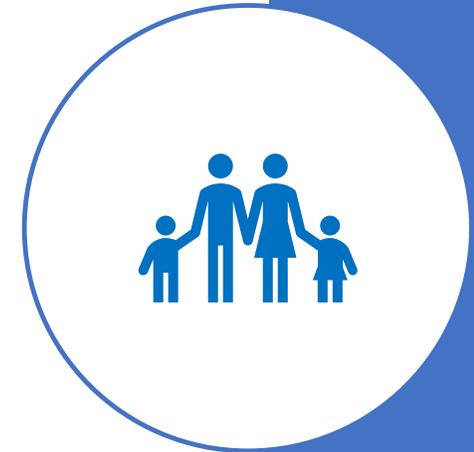
- Cleanup contamination
- Prevents sprawl, preserves greenspace and farmland
- Reduces health and safety hazards
 - Exposure to contamination
 - Derelict buildings, hazardous building materials



Why is Brownfield Redevelopment Important?

Benefits to communities

- Economic development – new jobs, increase the local tax base
- Societal benefits - healthier lifestyles, better access to basic needs, increases walkability of downtowns, increase in community pride
- Opportunities for quality housing, recreational space, and healthy food options
- Reduced crime, vandalism, drug use



Advantages to developers

- Reuse of existing buildings
- Infrastructure already in place
- Prime locations (downtowns, waterfronts)
- Other financial incentives



What is Typically Involved with Redeveloping a Brownfield?

1

Site
Identification/
Planning/
Communication

2

Environmental
Investigation
(Phase I before
purchase)

3

Site Acquisition/
Further
environmental
investigation

4

Environmental
remediation and
Redevelopment

Brownfields and Liability

If you own a property, you are liable under state/federal law **even if you did not cause or contribute to the contamination in any way.**

Defenses to Federal liability under CERCLA

State liability protection through BRELLA

Phase I ESA

- All Appropriate Inquiries
- Defense to Federal Liability Protection
- Bonafide Prospective Purchaser (BFPP) Status
- Eligibility for cleanup \$\$

1 year shelf-life, with updates needed if older than 6 months

Identify **Recognized Environmental Conditions (RECs)**: the *presence or likely presence* of any hazardous substances or petroleum products in, on, or at a property

Phase I ESA

- Records Review
- Site Visit
- Interviews
 - Present and past owners and operators
 - Local government officials

Identify Recognized Environmental Conditions (RECs)



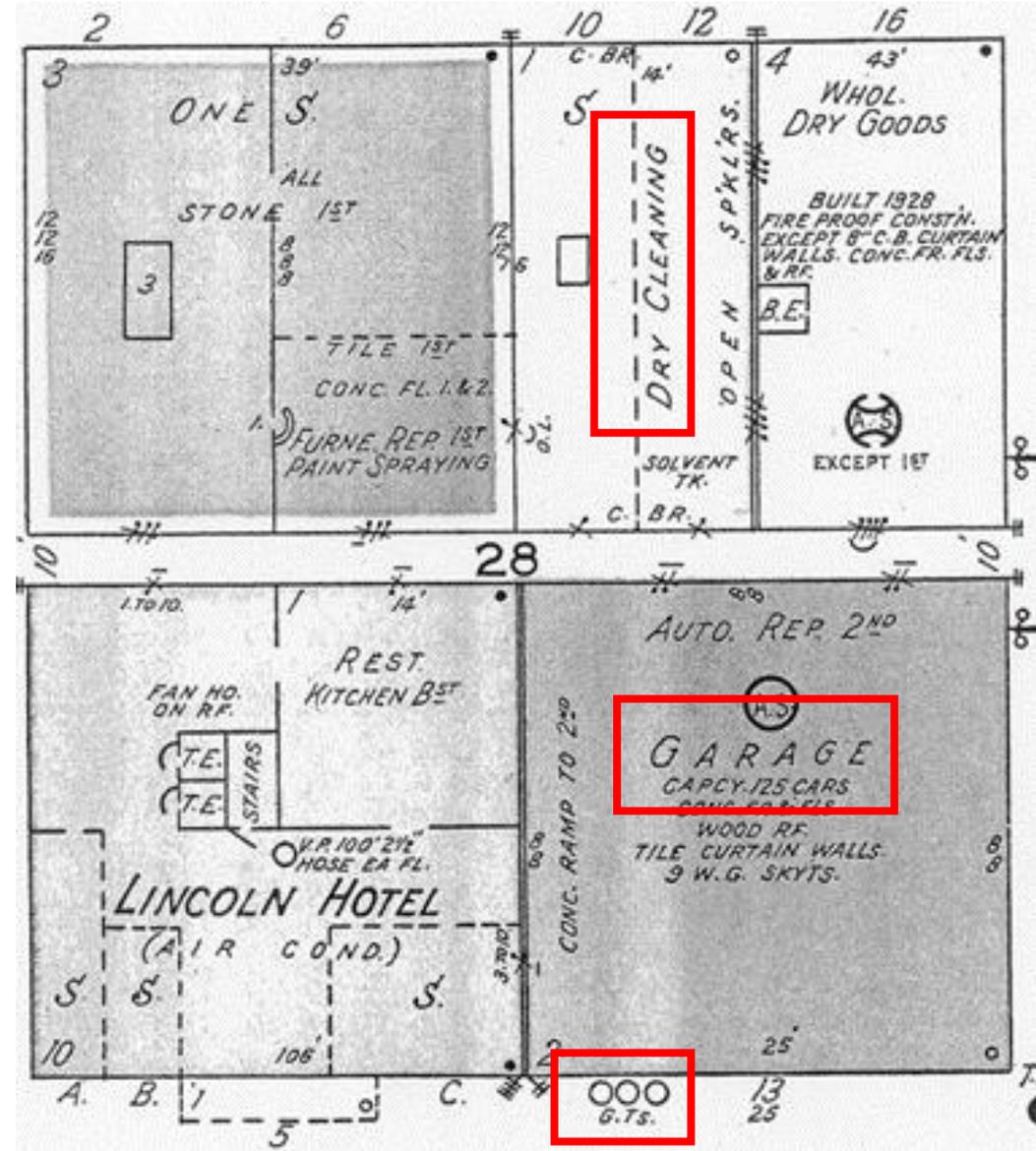
Phase I Resources

Sanborn
Maps

Mannings City
Directories

ANR ATLAS

Sanborn Fire Insurance Maps



Manning's City Directories

185 STEADY David M864-0597
187 VERMONT COLLEGE
OF COSMETOLOGY863-4666
187 (#4)DARBY James.....658-3056
187 (#4)NORMYLE Matthew658-3056
187 (#4)SMITH Carlos B658-3056
187 (#4)STIVAK Jonah.....658-3056
187 (#4)VELAZQUEZ Carlos658-3056
191 ZACHARY'S PIZZA HOUSE658-6020
N WINOOSKI AV BEGINS
S WINOOSKI AV BEGINS
196 FIRST CHURCH OF CHRIST
SCIENTIST - READING ROOM864-4709
198 THOMMES AND RIBBECKE
ARCHITECTURAL &
STAINED GLASS658-3425
198 MELIA Suzanne Y658-3466
198 SHERIDAN Laurie@.....658-3466
200 MARSHALL Christopher H862-8290
200 SCHMOKEL Clarissa S862-8290
200 (#2)CHALIDZE F N.....658-6753
204 OLIVA Bernard865-4608
204 (#6)DICKSTEIN Marjorie.....658-2227
210 DIXON Rebecca L864-9378
210 LANDRY L863-2143
210 MARKIEWICZ Karen A.....860-6320
210 (#1E)BOWER Jennifer A.....860-7644
210 (#1E)McGOVERN Karen C.....860-7644
210 (#4K)RODD Jonathan.....658-3874
210 (#2)JACKES P L.....863-1375
210 (#3)NELSON Shyla A.....860-1279

Occupant
listing
by street
number

Cross streets listed

ANR ATLAS

The screenshot displays the 'Natural Resources Atlas' web application interface. The header includes the Vermont logo and the text 'Natural Resources Atlas' and 'Vermont Agency of Natural Resources'. The main map area shows an aerial view of Hartford, Vermont, with various environmental layers overlaid. A 'Layers' panel on the left lists several categories:

- Operational Layers
 - Contours - VCGI Map Service
- Atlas Layers
- Watershed Management
- Waste Management
 - Landfills
 - Land Use Restrictions
 - Hazardous Site
 - Hazardous Waste
- Generators
 - Brownfields
 - Salvage Yard
 - Aboveground Storage Tank
- Tank (working)
 - Dry Cleaner
 - Architectural Waste

The map shows several yellow diamond markers indicating hazardous sites, green tree icons for brownfields, and red outlines for land use restrictions. A search bar and 'Quick Tools...' button are visible at the top of the map area. The bottom of the interface includes a scale bar and navigation controls.

<https://anrmaps.vermont.gov/websites/anra5/>

ANR ATLAS

VERMONT Natural Resources Atlas
Vermont Agency of Natural Resources
vermont.gov

Hazardous Site

Description

[VIEW SITE DETAILS](#)
SITE NAME: Bergeron
SITE NUMBER: 880210
LAND USE RESTRICTION? No

Details

SITE NUMBER
880210

SITE NAME
Bergeron

LAND USE RESTRICTION
No

ADDRESS
7 Pine St. corner with Maple

TOWN
Hartford

PRIORITY
MED

STAFF
Hugo Martinez Cazon

CLOSURE DATE
N/A

SITE STATUS
Voluntary Action

SOURCE OF CONTAMINATION
Dry Cleaners, UST-Gasoline

CONTAMINANTS
Chlorinated Solvents, Gasoline

Quick Tools...
Hazardous Site
1 of 2
[VIEW SITE DETAILS](#)
SITE NAME: Bergeron
SITE NUMBER: 880210
LAND USE RESTRICTION? No
[View Additional Details](#) [Add to Results](#)

Hartford

White River

Connecticut River

<https://anrmaps.vermont.gov/websites/anra5/>

ANR ATLAS

https://anrweb.vt.gov/DEC/ERT/HazSites.aspx?site=880210

VERMONT

Vermont.gov DEC Home Sites Mgt Disclaimer Please send us your feedback

Search All Programs
 Waste Management
 Hazardous Sites
 Brownfield Sites
 Spills
 UST
 Hazardous Waste
 Solid Waste
 Salvage Yards
 AST
 Dry Cleaners
 Watershed
 Stormwater
 Wetlands

VT DEC
Hazardous Site List [Help & Definitions](#)

Enter the search criteria below and click the [Search] button when done. (Search will display a maximum of 500 results)

Site# Site Name

Site Town [List Towns](#) Address

Primary [List Consultants](#) All Sites Active Sites Inactive Sites

Priority

[Search Tips](#) [Full Database to Excel](#)

Site Name	Bergeron
Address	7 Pine St. corner with Maple
Town	Hartford
Site Use	Business
Site Number	880210
DEC Manager	Hugo Martinez Cazon
Priority	MED - Site with sensitive receptors that are threatened by contamination
Site Status	Voluntary Action
Project Status	Fieldsheet form dated 6-9-1981 indicates gasoline release to soils and groundwater. Monitoring Wells Installed. No activity 2007-2017. Bergeron's Address was clarified Jan 2017. Eligibility for PCF has Not been established Lab results Sept 2017 indicate chlorinated solvent impact. Report received March 2018. Spring 2018 sampling Not implemented.
Source of Contamination	Dry Cleaners, UST-Gasoline
Contaminant	Chlorinated Solvents, Gasoline
Institutional Control	
Site Closure Date	
DEC Contact Email Address	Hugo.Martinez.Cazon@vermont.gov
Record Last Updated	08-28-2018



Online Site Reports	
Report	
880210.first.pdf	
880210.Letter.requesting.investigation.02.24.17.pdf	
880210.03-14-18-Initial.Site.Investigation.Report.pdf	
880210.first.pdf	
880210.Letter.requesting.investigation.02.24.17.pdf	
880210.02.14.18	

Relationships				
	Type	ID 1	ID 2	Staff
View	Hazsite	880210		Hugo Martinez Cazon
View	UST	847		N/A

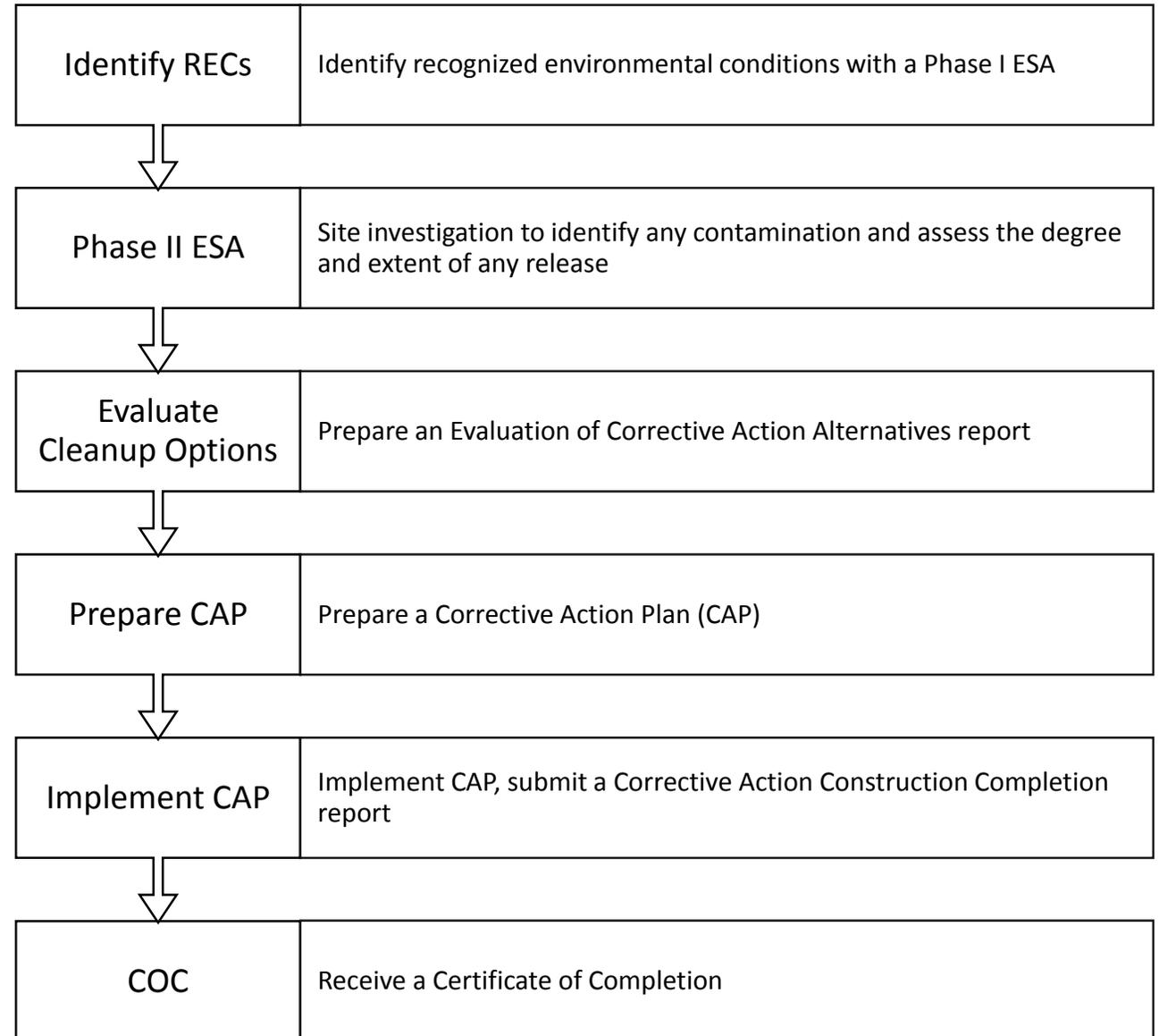
*Relationships cited depict connections that this site has with other programs within the Waste Management and Prevention Division. This currently applies to hazardous sites, spills and underground storage tank facilities.

<https://anrmaps.vermont.gov/websites/anra5/>

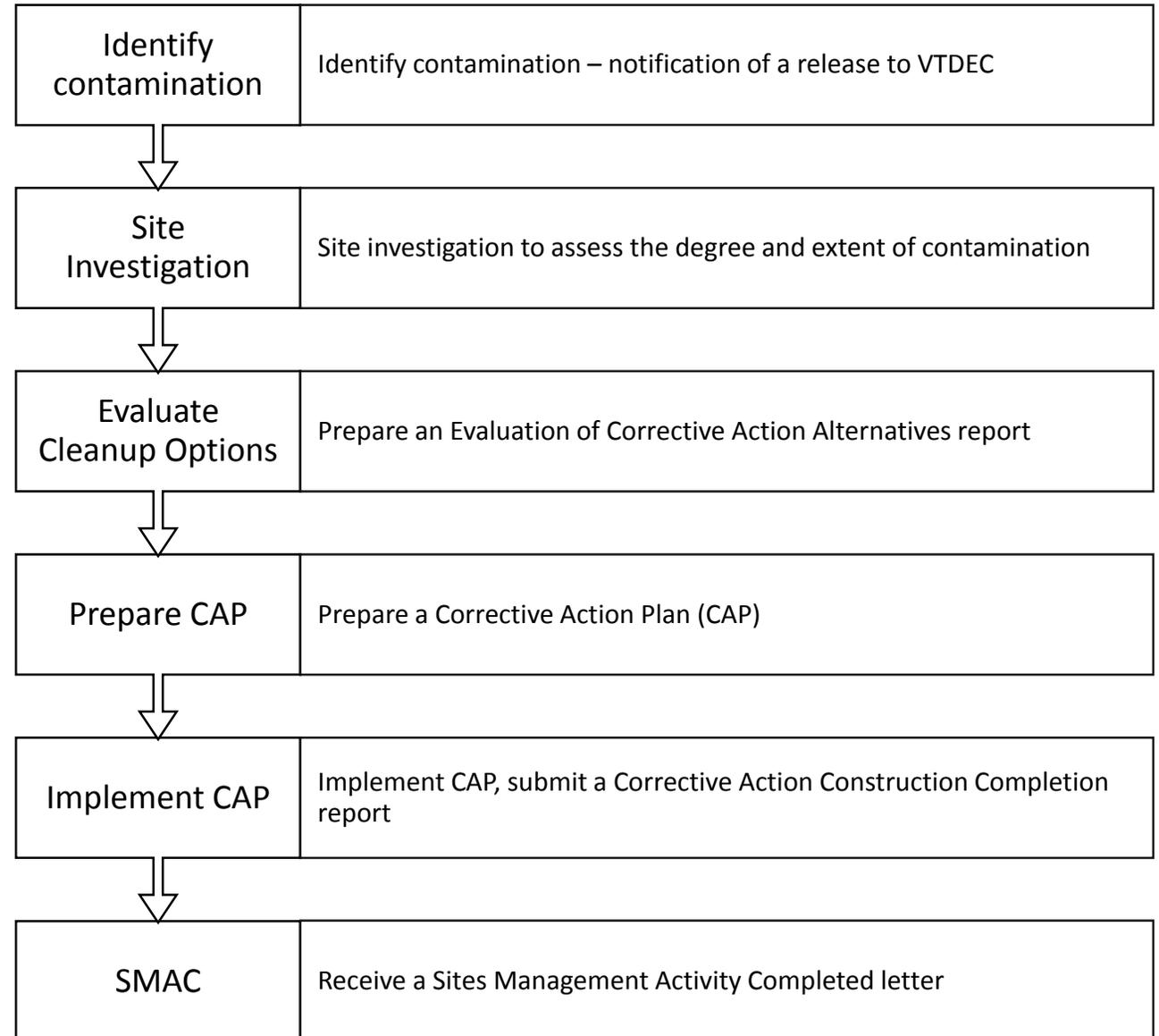
BRELLA Program

- The only way to be protected from strict liability in Vermont
- Prospective purchasers and innocent current landowners can participate (\$500 application fee)
- Investigate all RECs, characterize and cleanup the property
- Receive a Certificate of Completion

BRELLA Program



Sites not in BRELLA...



COC Liability Protection Language:

“The rights, obligations, covenants, and restrictions granted in this certificate of completion shall run with the land, and any portion thereof, and shall be binding on the Agency of Natural Resources and successor Agency, and shall inure to the benefit of “Applicant” and its authorized representatives, successors and assigns. All required assessment and corrective action has been completed at this site and no further work is required. This Certificate of Completion shall be recorded in the “Town” land records for this property. Once recording is complete, protection from liability pursuant to subsection 6653(a) of this title is in effect.”

SMAC Language:

*“Based on the above, it appears that this site does not pose an unacceptable risk to human health or the environment. Therefore, the SMS is assigning the site a Sites Management Activities Completed (SMAC) designation. **The SMAC designation does not release [RP NAME] from any past or future liability associated with the [CONTAMINATION TYPE] contamination at this site.** It does, however, mean the SMS is not requesting any additional work in response to the [RELEASE] at this time”*

COC Liability Protection Language:

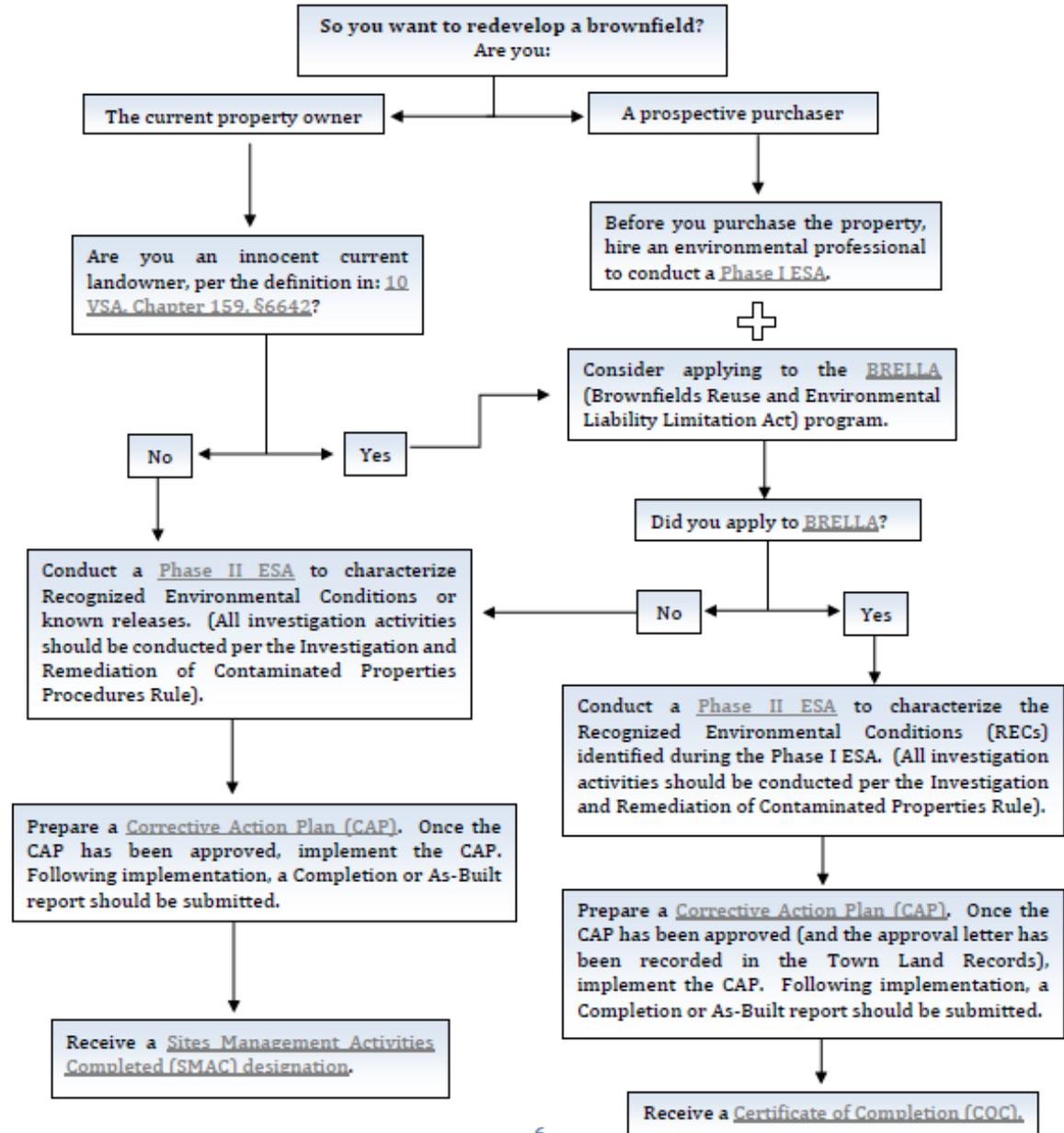
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Sites/Brownfields Process

Similar process, SMAC vs COC



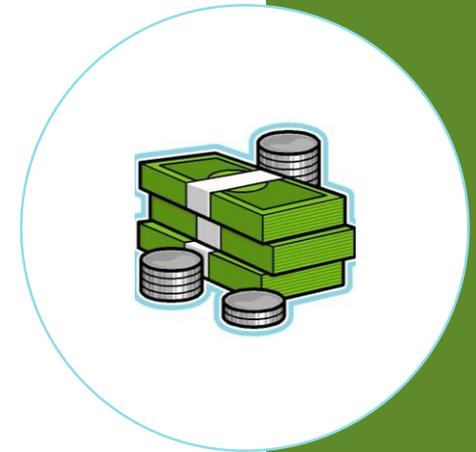
Benefits of BRELLA: Certificate of Completion

- Protection from:
 - Changes in regulatory standards
 - New regulated substances
 - Releases that are not new but were not identified during the Phase II/CAP implementation
 - Contribution claims from past owners
- Transferable to subsequent property owners
- If CAP fails after the COC is issued, the VTDEC can request any liable person EXCEPT the person or successor of the person who completed the CAP to complete the required work, or VTDEC can use state funds.



Benefits of BRELLA: Access to Funds

- VT DEC Brownfields Funding
 - BRELLA participants are given priority for assessment or cleanup assistance
 - VT DEC's pre-qualified contractor performs the work
- BRELLA enrollment required to access ACCD's cleanup grants and loans



Other Benefits of BRELLA

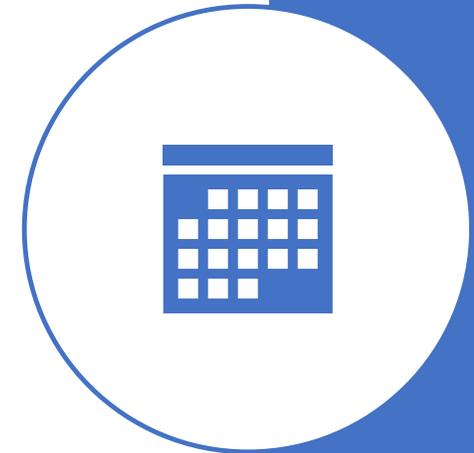
- Protection from enforcement action
- Developer proposes the project schedule
- Exemption from Hazardous waste tax
- Release from Natural Resource Damages
- Streamlined process for institutional controls (deed restrictions/easements)



Additional Benefits

for BRELLA Applicants who enroll as **Prospective Purchasers**

- COC upon “substantial completion”
- 30% cost cap on Corrective Action Plan Amendments
- Early program withdrawal – Personal liability protection



Phase II ESA

- Assess whether there has been a release of hazardous substances or petroleum.
- If exceedances of environmental media standards are discovered, the source, degree, and extent of the contamination must be fully defined
- A single round of sampling may not always provide enough data to sufficiently characterize the site
- Plan ahead for multiple sampling events



Evaluate Corrective Action Alternatives

- Unless the site meets the criteria for an ECAA exemption, as described in the IRule, at least two alternatives must be evaluated to cleanup contamination or mitigate exposure to contamination



Incorporate the cleanup options
with the redevelopment design

- Engineering controls can be incorporated into redevelopment features such as parking lots and landscaping
- Early communication is key!

Evaluating Corrective Action Alternatives

- Vapor mitigation systems can be incorporated into new building construction, or retrofitted in existing buildings

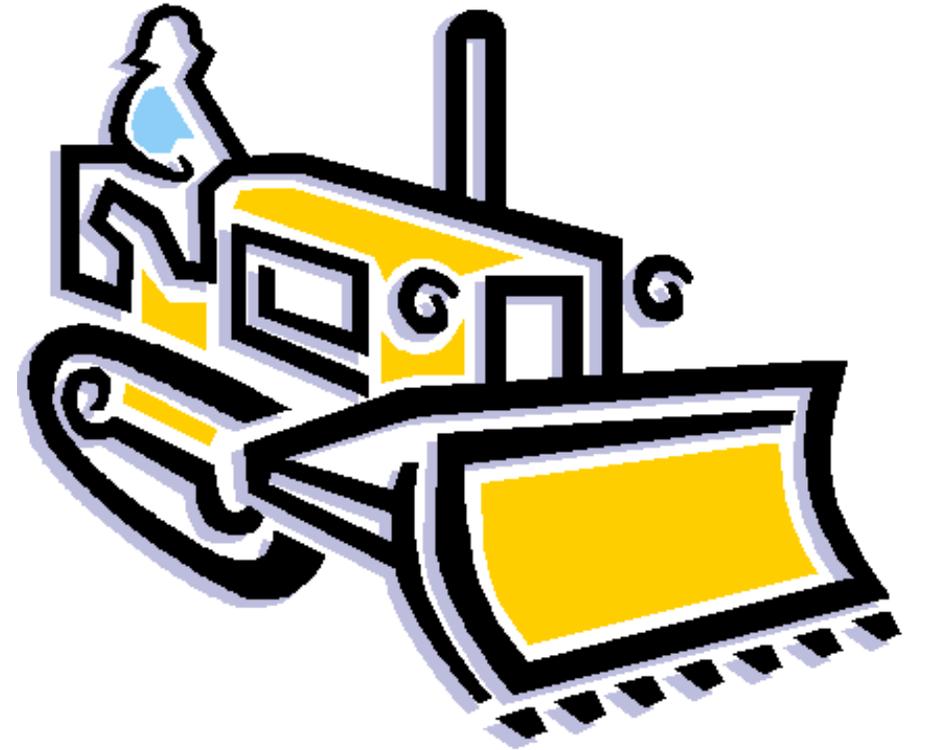


Corrective Action Plan

- Document that finalizes the cleanup plan
- Incorporates redevelopment designs
- 30 day public comment period

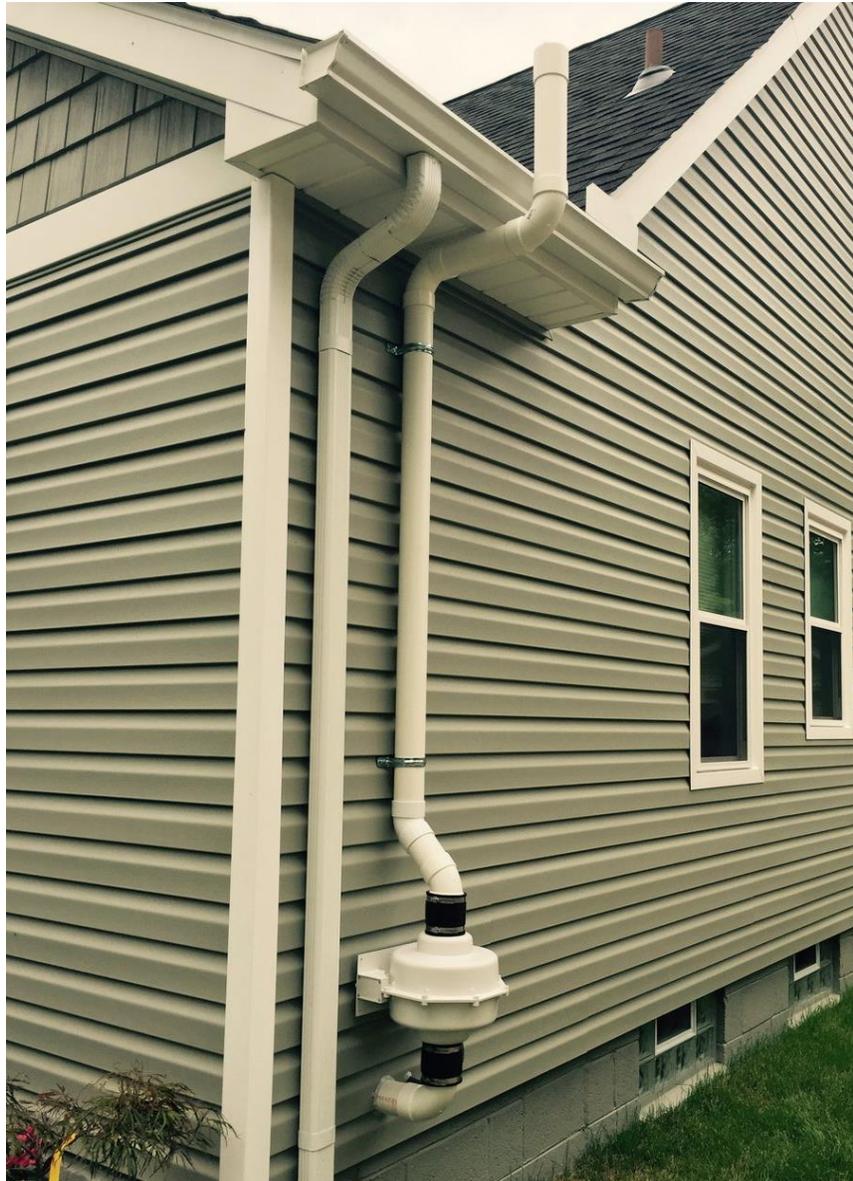
Implement Corrective Action

- Provide a Corrective Action Construction Completion Report
- Once report is approved by VTDEC, Certificate of Completion can be received



Receive Certificate of Completion

- Recorded with the property deed
- Describes land use restrictions
- COC upon substantial completion for applicants entering the BRELLA program as prospective purchasers



Annual inspection checklists

- Long-term reporting may be required (e.g. report functioning SSD system or maintenance of engineered controls)

Other liability protections

- Municipalities
- RPCs/RDCs
- Secured lenders

Involuntary acquisition
through tax
delinquency

Enter into an
agreement with the
Secretaries of ANR and
ACCD prior to purchase

Conduct environmental
assessment and market
the property

Municipality exemption

Voluntary acquisition
while staying outside
the chain of liability

Enter into an
agreement with the
Secretaries of ANR and
ACCD prior to purchase

Conduct environmental
assessment and market
the property

RPC/RDC exemption

Protections for secured lenders

- Lender liability protections are described in statute, [10 V.S.A. § 6615](#)
- A lender shall not be held liable as an owner or operator, unless they fail to disclose any known release or threat of release to VTDEC, or if they cause, worsen, or contribute to a release of hazardous material, including directing how to operate and dispose of waste at the facility. All assessment and cleanup must be reviewed and approved by VT DEC.



Protections for secured lenders

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Potential Funding Sources

VT DEC Brownfields Funding

Regional Assessment Program
(EPA funding provided to RPCs)

EPA Assessment and Cleanup
Grants

ACCD cleanup funding (loans
and grants)

VT DEC Brownfields Funding

- Work is performed by one of our state contractors
- Funding may be state or federal, additional requirements if EPA funding is used.
- Applications are reviewed on a rolling basis
 - Advantage to applicants who are in BRELLEA, and where the work is ready to be implemented.
 - Can be used for assessment or cleanup



Agency of Commerce and Community Development

- Brownfields Revitalization Fund (Revolving Loan Fund)
 - \$2.2 million
- Subgrants to non-profits
 - Includes RPC/RDC using exemption process
- Loans to for-profits
- No application deadline
- Clean-up funding only available for those enrolled in BRELLEA and Phase 1 completed *prior* to purchase

- Contact Kristie Farnham
Kristie.Farnham@vermont.gov
802-398-5268



Downtown and Village Center Tax Credits

- Managed through the Dept of Housing and Community Development in ACCD
- Sites in designated downtowns or village centers, enrolled in BRELLA, with an approved CAP can use tax credits toward 50% of implementation costs, up to \$50,000.
- Contact Caitlin Corkins @ 802-828-3047

NJIT TAB provides *FREE* assistance throughout the *entire* brownfields redevelopment process.

- Assistance is provided through...
- Resource Center
www.njit.edu/tab
- Educational Forums
 - Conferences, Workshops, Seminars
- One-on-one Technical Assistance
 - *NJIT TAB Hotline: 973-642-4165; or email tab@njit.edu*

Video Link: <https://youtu.be/RQoRKgYsdtE>



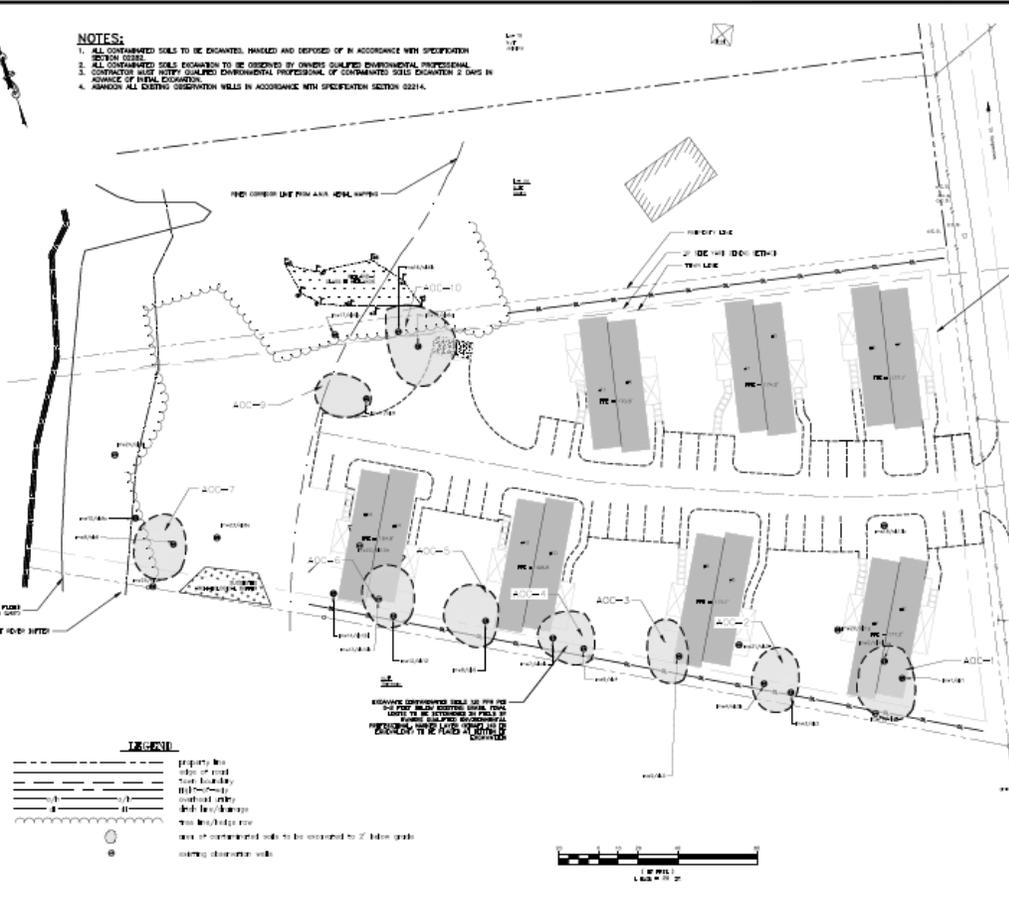


Before: Vacant Lot



After: 29 Housing Units

Redevelopment: from brownfields to brightfields



Before: 13 vacant mobile homes with multiple AST releases



After: McKnight Lane 14 net-zero Vermod units



Before: automotive repair shop and vacant land



ERNIE SANDERS
U.S. Senator for Vermont

RED CLOVER COMMONS TOUR
JAN 26, 2017 // BRATTLEBORO, VT

After: 55-unit apartment building for senior and disabled residents

A scenic landscape photograph featuring a large mountain range in the background under a cloudy sky. The foreground is dominated by a dense forest with vibrant autumn foliage in shades of red, orange, and yellow. A prominent church with a tall, white steeple and a red brick base is visible on the right side of the foreground. Several other houses are scattered throughout the valley. The text "Thank you! Any questions?" is overlaid in the center of the image.

**Thank you!
Any questions?**